

**MEDICAL EXAMINING BOARD
MINUTES
DECEMBER 14 2011**

PRESENT: Carolyn Bronston; James Conterato, MD; LaMarr Franklin; Jude Genereaux; Sujatha Kailas, MD; Raymond Mager, DO; Christopher Magiera MD; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Sheldon Wasserman, MD

EXCUSED: Suresh Misra, MD

STAFF: Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

GUESTS: Mark Grapentine, Wisconsin Medical Society; Judy Warmuth, WHA; Eric Jensen and Clark Collins, WAPA; Anne Hletko, Council on Physician Assistants; Nancy Sugden, UWSMPH; Robert Phillips, Marshfield Clinic; Franklin LaDue, Walgreens; Tim Storm

CALL TO ORDER

Dr. Sujatha Kailas, Vice Chair, called the meeting to order at 8:01 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS, add:
 - e. Michael R. Major, MD – 10 MED 393
 - Attorney Pamela Stach
 - Case Advisor – Suresh Misra
 - f. Lyndon Steinhaus, MD – 10 MED 011
 - Attorney Pamela Stach
 - Case Advisor – Gene Musser
- Item 7a – WIS ADMIN CODE CHAPTER MED 8, insert additional materials after page 14
- Item 7b – WIS ADMIN CODE CHAPTER MED 10, insert additional materials after page 14
- Item CS-2 – DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS, add:
 - b. Michael V. Baich, MD – 10 MED 294 – page 74 is replaced with corrected page
 - e. Michael R. Major, MD – 09 MED 423 – Attorney Pamela Stach (after page 90)
 - f. Lyndon Steinhaus, MD – 10 MED 011 – Attorney Pamela Stach (after page 90)

- Item CS-3, DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS,
Insert after page 96:
 - c. 10 MED 188 (E.S.J., MD) – Attorney Pamela Stach, Case Advisor – Gene Musser
- Item CS-5 – MONITORING, insert after page 144:
 - c. Kathleen A. Oriel, MD, Et al. – Request for approval of CME proposal
- Case Status Report – insert after page 146

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 16, 2011

Corrections:

- On page 8, under REQUEST FOR CE WAIVER, in the motion, after “Sandra” insert “Osborn”

MOTION: Sandra Osborn moved, seconded by Sheldon Wasserman, to approve the minutes of November 16, 2011 as corrected. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE Attorneys presented Proposed Stipulations, Final Decisions and Orders in the following disciplinary proceedings:

Enrique W. Luy, MD	09 MED 364
Michael V. Baich, MD	10 MED 294
Philip R. Tolentino, MD	10 MED 349
Katherine M. Kaplan, MD	10 MED 393
Michael R. Major, MD	09 MED 423
Lyndon Steinhaus, MD	10 MED 011

These items will be deliberated in closed session.

ITEMS FOR BOARD DISCUSSION

Wis. Admin. Code Chapter MED 8 regarding Physician Assistants

Sandra Nowack reviewed with the Board the most current draft proposal for revisions to Wis. Admin. Code Chapter MED 8. Several revisions were made.

MOTION: Sheldon Wasserman moved, seconded by Carolyn Bronston, to move forward with Chapter MED 8 pending additional input from the Committee members and to delegate final authority for the Clearinghouse draft to Gene Musser and James Conterato. Motion carried unanimously.

Wis Admin. Code Chapter MED 10

Sandy Nowack reviewed the current draft of proposed changes to Wis. Admin. Code Chapter MED 10. The Board will continue the review and make further changes at a future meeting. No action taken at this time.

Prescription Drug Monitoring Program – Update

Tom Ryan updated the Board on the PDMP project. The Pharmacy Examining Board is meeting today to discuss the PDMP. The Rules Hearing will be scheduled for early 2012.

Wisconsin Health Workforce Data Collaborative Voluntary Survey – Updates on the Status of the Survey for the Physician Assistant Renewal

Nancy Sugden, Workforce Data Collaborative, appeared before the Board to discuss the survey for the DO and physician assistant renewals. The PA survey should be ready for testing next week the preliminary results from the MD survey should be available by February.

Maintenance of Licensure Update – Tom Ryan

Tom Ryan updated the Board on the Maintenance of Licensure pilot programs. The FSMB has developed a list of suggested pilots in three categories, which are:

1. Licensing System Pilots
2. Continuous Professional Development Program Pilots
3. Maintenance of Licensure Pilots

Mr. Ryan will email more details to the Board members and this matter will be revisited at the next Board meeting.

Regulatory Digest/Newsletter – Call for Articles

Jude Genereaux noted the name of the publication has been changed to the Medical Examining Board Newsletter. The Board discussed proposed articles. The annual report will also be included. The projected publication date for the Newsletter is March 2012.

Upcoming Outreach Opportunities

Sandy Osborn has been asked to speak as part of the physician impairment lecture to first year medical students at the UW Medical School in March 2012.

Sheldon Wasserman will speak to the psychiatry residency program at the Medical College of Wisconsin on January 11, 2012, and will present at grand rounds at Columbia St. Mary's Hospital in Milwaukee on February 14, 2012.

Gene Musser has been invited to speak to the psychiatry residency program at the UW Madison and Sujatha Kailas will give a presentation at Waukesha Memorial Hospital in January 2012.

EXECUTIVE DIRECTOR MATTERS

There were no matters to discuss.

LEGISLATIVE REPORT

There was press release regarding the discipline on the doctors who wrote the medical excuses during the demonstrations in January 2011.

SCREENING PANEL REPORT

Jude Genereaux reported thirty three (33) cases were screened. Ten (10) cases were opened and four (4) ten-day letters were sent.

INFORMATIONAL ITEMS

The informational items were noted.

PUBLIC COMMENTS

There were no public comments.

OTHER BUSINESS

Sheldon Wasserman spoke to the Board in support of SB 317 relating to electronic prescriptions for Schedule II drugs.

MOTION: James Conterato moved, seconded by Sheldon Wasserman, to have the Medical Examining Board go on record in support of Senate Bill 317. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Sujatha Kailas, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; James Conterato-yes; LaMarr Franklin-yes; Jude Genereaux-yes; Sujatha Kailas-yes; Raymond Mager-yes; Christopher Magiera-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 10:16 a.m.

RECONVENE IN OPEN SESSION

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:16 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to reaffirm all motions made in closed session. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION

SARIT HOVAV, MD

MOTION: Kenneth Simons moved, seconded by James Conterato, to deny the application for licensure to Sarit Hovav, MD. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**ENRIQUE W LUY, MD
09 MED 364**

MOTION: Raymond Mager moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Enrique W. Luy, MD. Motion carried unanimously.

**MICHAEL V BAICH, MD
10 MED 294**

MOTION: Raymond Mager moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Michael V. Baich, MD. Motion carried unanimously.

**PHILLIP R TOLENTINO, MD
10 MED 349**

MOTION: Carolyn Bronston moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Phillip R. Tolentino, MD. Motion carried unanimously.

**KATHERINE M KAPLAN, MD
10 MED 394**

MOTION: Raymond Mager moved, seconded by Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Katherine M. Kaplan, MD. Motion carried. James Conterato was excused during deliberation and abstained from voting.

**MICHAEL R MAJOR, MD
09 MED 423**

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Michael R. Major, MD. Motion carried unanimously.

**LYNDON STEINHAUS, MD
10 MED 011**

MOTION: Raymond Mager moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Lyndon Steinhaus, MD. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNINGS

MOTION: Carolyn Bronston moved, seconded by James Conterato, to issue the Administrative Warning in case **10 MED 328**. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to issue the Administrative Warning in case **11 MED 318**. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to issue the Administrative Warning in case **10 MED 188**. Motion carried. Christopher Magiera was excused during deliberation and abstained from voting.

PROPOSED ORDER FIXING COSTS

STEVEN B GREENMAN, MD

MOTION: Gene Musser moved, seconded by Sandra Osborn, to adopt the Order Fixing Costs in the disciplinary proceedings against Steven B. Greenman, MD. Motion carried unanimously.

MONITORING

RAYMOND S KOZIOL, MD

Dr. Raymond Koziol made a personal appearance before the Board.

MOTION: Sandra Osborn moved, seconded by LaMarr Franklin, to grant the request from Raymond S. Koziol, MD, for full licensure. Motion carried six (6) to three (3). Sheldon Wasserman was excused during deliberation and abstained from voting.

MICHAEL SCOTT MOORE, MD

MOTION: LaMarr Franklin moved, seconded Kenneth Simons, to approve the request form Michael Scott Moore, MD, for a reduction in drug screens from fifty six (56) to twenty eight (28) times per year plus one (1) hair test. Motion carried unanimously.

KATHLEEN A ORIEL, MD, ET AL

The Board reviewed the information provided for the CME proposal. The course is approved provided it is a public course.

CASE CLOSINGS

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to close cases **10 MED 274 and 10 MED 377** for insufficient evidence. Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to close case **11 MED 141** for no violation. Motion carried unanimously.

MOTION: Raymond Mager moved, seconded Kenneth Simons, to close case **11 MED 174** for no violation. Motion carried unanimously.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

MOTION: LaMarr Franklin moved, seconded by Sandra Osborn, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:18 p.m.